

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone call with David A. Fox (Reg. No.: 38807) on October 07, 2008.

#### **In the Claims:**

15. – 16. (Cancelled)

17. (Currently Amended) A ~~computer program product having a set of instruction codes stored on a computer-readable medium;~~ computer-readable storage medium having instruction embedded thereon for causing a system to implement a process for protecting a title key for a recordable media content in a secure distribution system, comprising:

~~a first set of instruction codes for~~ creating an encrypted content and title key package by encrypting the title key along with the recordable media content;

~~a second set of instruction codes for~~ transmitting the encrypted content and title key package to a media recording device;

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~~a third set of instruction codes for~~ extracting an encrypted title key from the encrypted content and title key package;

~~a fourth set of instruction codes for~~ obtaining a media key block and a media ID from a physical media;

~~a fifth set of instruction codes for~~ transmitting the encrypted title key, a digest of the media key block, and the media ID to a clearinghouse server utilizing a title key decryption and encryption module, wherein the clearinghouse server does not pre-store the title key which comprises an underlying title key upon which a plurality of encrypted title keys, including the encrypted title key, are based; wherein the title key decryption and encryption module determines whether or not a complete media key block corresponding to the digest of the media key block has been previously seen by the title key decryption and encryption module and, if so, the title key decryption and encryption module utilizing the previously seen media block; and, if the complete media key block corresponding to the digest of the media key block has not been previously seen by the title key decryption and encryption module, then the title key decryption and encryption module requesting the complete media key block from the media recording device;

~~a sixth set of instruction codes for~~ decrypting the encrypted title key;

~~a seventh set of instruction codes for~~ deriving a unique media key for the physical media;

~~a eighth set of instruction codes for~~ creating a re-encrypted title key by encrypting the title key with the unique media key; and

~~a ninth set of instruction codes for~~ transmitting the re-encrypted title key to the

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media recording device to record on the physical media with the recordable media content.

18. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 17, ~~further comprising a tenth set of instruction codes for~~ wherein the process includes encrypting the recordable media content with the title key.

19. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 18, ~~further comprising an eleventh set of instruction codes for~~ wherein the process includes randomly selecting the title key.

20. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 18, wherein the extracting ~~third set of instruction codes~~ encrypts the title key with the recordable media in a manner agreed upon between a recordable media content repository and the clearinghouse server for processing the title key.

21. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 20, wherein the extracting ~~third set of instruction codes~~ encrypts the title key with a common key that is agreed upon between the recordable media content repository and the clearinghouse server.

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22. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 20, wherein the extracting ~~third set of instruction codes~~ encrypts the title key with a public key that is provided by the clearinghouse server.

23. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 20, wherein the extracting ~~third set of instruction codes~~ encrypts the title key with a key obtained from the media key block.

24. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 20, wherein the recordable media content repository stores the encrypted content and title key package for any of sale or distribution to a user.

25. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 20, ~~further comprising a twelfth set of instruction codes for~~ wherein the process includes transmitting the encrypted content and title key package to the media recording device.

26. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 17, ~~further comprising a thirteenth set of instruction codes for~~ wherein the process includes extracting the encrypted title key from the encrypted content/title key package.

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27. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 26, ~~further comprising a fourteenth set of instruction codes for wherein~~ the process includes decrypting the encrypted title key using the media key block and the media ID.

28. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 27, ~~further comprising a fifteenth set of instruction codes for wherein~~ the process includes deriving the media unique key from the media key block and the media ID.

29. (Currently Amended) The ~~computer program product~~ computer-readable storage medium of claim 17, ~~further comprising a sixteenth set of instruction codes for wherein~~ the process includes recording the content and the re-encrypted title key on the physical media.

30. – 32. (Cancelled)

### **Reason for allowance**

3. After consideration of the applicant's remark filed on August 25, 2008 in response to the Office Action mailed on May 23, 2008, and further search and through examination and examiner's amendment claims 1-13, 17-29 and 33-40 have been found to be in condition for allowance over prior arts of record.

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4. The following is an examiner's statement of reasons for allowance:

Claims 1, 17 and 32 include the following features of a method, a computer-readable storage medium having instruction embedded thereon and a system which are not taught or further suggested and would not have been obvious over prior arts of record and these features are: transmitting the encrypted title key, a digest of the media key block, and the media ID to a clearinghouse server utilizing a title key decryption and encryption module, wherein the clearinghouse server does not pre-store the title key which comprises an underlying title key upon which a plurality of encrypted title keys, including the encrypted title key, are based; wherein the title key decryption and encryption module determines whether or not a complete media key block corresponding to the digest of the media key block has been previously seen by the title key decryption and encryption module and, if so, the title key decryption and encryption module utilizing the previously seen media block; and, if the complete media key block corresponding to the digest of the media key block has not been previously seen by the title key decryption and encryption module, then the title key decryption and encryption module requesting the complete media key block from the media recording device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784 and fax number is (571) 273-3784. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T. J. G./

Examiner, Art Unit 2437

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437